



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,466	02/17/2004	Kyle Marvin	BEAS-01354US0	1399
23910 7590 04/02/2008 FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108				
EXAMINER				
DENG, ANNA CHEN				
ART UNIT		PAPER NUMBER		
2191				
MAIL DATE		DELIVERY MODE		
04/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,466

Applicant(s)

MARVIN ET AL.

Examiner

ANNA DENG

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to amendment filed on 1/8/2008.
2. The rejection under 35 U.S.C. 112, second paragraph to claim 17 is withdrawn in view of applicants' amendment.
3. The rejection under 35 U.C.S. 101 to claim 35 is withdrawn in view of applicants' amendment filed on 10/30/2007.
4. Claims 1-41 are pending.
5. Claims 1-41 stand finally rejected.

Response to Amendment

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
7. Claims 14-37, and 39-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as being software per se. The amendment recites "computer-based system" does not obviate over software per se. To overcome the 101 rejection, the claims may amend to recite "a computer system, comprising a microprocessor/storage media" as supported by the Specification, paragraph [0076]-[0077].

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
9. Claims 1-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

Art Unit: 2191

art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 8, 14, 21, 28, and 35 have been amended to recite "the graphical representation of the programmatic interface *indicating how other programs can access the control*" that is not described in the Specification or reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. Thus, this subject matter is new matter. Claims 2-7, 9-13, 15-20, 22-27, 29-34, 36-40 are rejected based on virtue of their dependency from the rejected claims.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. The term "other programs" in claims 1, 8, 14, 21, 28, and 35 is a relative term which renders the claim indefinite. The term "other programs" is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. thus the claimed subject matter "the graphical representation of the programmatic interface indicating how other programs can access the control" is indefinite. Claims 2-7, 9-13, 15-20, 22-27, 29-34, 36-40 are rejected based on virtue of their dependency from the rejected claims.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 1-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abrari et al.

USPUB 2006/0129978 A1 (hereinafter Abrari), in view of Ballard et al. USPN 7,111,243 B1 (hereinafter Ballard).

Per Claim 1 (Currently Amended):

Abrari teaches

- A method for providing a reusable software control (Abrari, [0009], "the invention that reconciles component and business rules technologies, combining the reusability features of component technologies with business rules technologies") , comprising:
- incorporating the control into an Integrated Development Environment (IDE), wherein a graphical representation of the control can be interactively manipulated (Abrari, [0024], FIGS. 6-18, shows examples of user interface windows and elements displayed by implementations of the IDE, also [0030], "The IDE includes a vocabulary 181, which represents the business entities, their attributes, and their associations (relationships) in form of a tree view...generated from business objects, from a relational database, or from an XML schema"; [0039], "A rule component 142 is preloaded with the rules in a rulepack for optimal performance .The rule components 142 can interact with various types of business components ...using standardize messaging (e.g., XML messaging). The business intelligence server 140 provides a central integration hub interact with diverse application components 132 (reusable components), such as Microsoft COM components...EJB components and Java components. The business intelligence server 140 can turn any Java application server into an application integrator, acting as a control center for an enterprise information system") and
- wherein the graphical representation of the control includes a graphical representation of a programmatic interface for the control, the graphical representation of the programmatic interface indicating how other programs can access the control (Abrari, [0027], "The front end of the development platform 160 is provided by ...used for rapid development of graphical user interfaces (GUIs), [0029],

Business rules, which often make up the bulk of business logic, are built and maintained in the visually declarative environment of a rules IDE 180. This allows...to create and maintain enterprise business rules as reusable, adaptable components, which will be referred to as rulepacks (XML documents, see [0030])). Rulepacks are declarative components that encapsulate a set of business rules automation the knowledge of a particular context of the business process"); [0053], "FIG. 7 shows in pane 704 a partially expanded vocabulary tree ...such as entity Account (node 706), are entities. The Account entity has been expanded (access) by a user to show the attributes, such as the attribute number (node 708), of the Account entity. When an entity is expanded, its relationships with other entities, if any, are also shown");

Abrari does not explicitly teach

- exposing services associated with the control and related to programmatically interacting with a portal; and
- wherein the control has a customizable interface.

However, Ballard teaches:

- exposing services associated with the control and related to programmatically interacting with a portal (Ballard, Col. 14, lines 60-67, col. 21, lines 53-55, server utilities, portal processor 365 that is used to handle the processing of data requests and instructions passed to and from user application interface 255); and
- wherein the control has a customizable interface (Ballard, col. 22, lines 41-43, "A customized application user interface 255 optionally includes a number of configurable user interface elements each further including a number of configurable properties"; as an example, see col. 27, lines 19-35).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Abrari to include exposing services associated with the control and related to programmatically interacting with a portal; and wherein the control has a customizable interface using the teaching of Ballard. The modification would be obvious because one of ordinary skill in the art would be motivated to customize internet application and their associated user interfaces in a browser based environment as once suggested by Ballard (Ballard, col4, line 66-67 through col. 4, lines 1-4).

Per Claim 2:

The rejection of claim 1 is incorporated, and Ballard further teaches

- a first group of services related to portal tracking (Ballard, col. 14, lines 60-67, also, FIG. 7, col. 18, lines 17-36); and
- a second group of services related to portal personalization (Ballard, col. 18, lines 60-67, optional display properties per specified user; col. 19, lines 16-17, configuration is applied to only one user interface element on a specific user interface for a specific user; .col. 27, lines 4-11, customization of the interaction models used for communication between internet application system 250 and the client displaying application user interface 255.

Per Claim 3:

The rejection of claim 1 is incorporated, and Abrari further teaches

- graphically connecting the control to other controls to establish flow-of-control at run-time (Abrari, [0053], "FIG. 7 shows in pane 704 a partially expanded vocabulary tree ...such as entity Account (node 706), are entities. The Account entity has been expanded (access) by a user to show the attributes, such as the attribute number (node 708), of the Account entity. When an entity is expanded, its relationships with

Art Unit: 2191

other entities, if any, are also shown").

Per Claim 4:

The rejection of claim 1 is incorporated, and Abrari further teaches

- the control includes annotated code (Abrari, [0038], "communicate with the rule components 142 through a standardized messaging scheme...(e.g., direct Java calls) and ...(e.g., using XML-based messages)"; also, [0038], [0052], "actions may post a message of type violation, warning, or information").

Per Claim 5:

The rejection of claim 1 is incorporated, and Abrari further teaches

- the control can use other controls (Abrari, [0053], "FIG. 7 shows in pane 704 a partially expanded vocabulary tree ...such as entity Account (node 706), are entities. The Account entity has been expanded (access) by a user to show the attributes, such as the attribute number (node 708), of the Account entity. When an entity is expanded, its relationships with other entities, if any, are also shown").

Per Claim 6:

The rejection of claim 1 is incorporated, and Abrari further teaches

- specifying IDE characteristics of the control (Abrari, [0029], "Business rules, which often make up the bulk of business logic, are built and maintained in the visually declarative environment of a rules IDE 180...to create and maintain enterprise business rules as reusable components, which will be referred to as rulepacks. Rulepacks are declarative components that encapsulate a set of business rules automating the knowledge of a particular context of the business process").

Per Claim 7:

The rejection of claim 1 is incorporated, and Ballard further teaches

Art Unit: 2191

- the services related to interacting with a portal can include one or more of: portal personalization, portal events and portal configuration (Ballard, col. 27, lines 4-11, customization of the interaction model used for communication (portal personalization)).

Per Claim 37:

The rejection of claim 1 is incorporated, and Abrari further teaches

- control includes software methods, wherein the graphical representation of the control includes graphical representations of the software methods (Abrari, [0079], "The computer system can be programmed to provide a graphical user interface through which computer programs interact with users").

Per Claims 8-13, and 38:

These are another method version of claimed method discussed above (claims 1-7, and 37), wherein all claimed limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claims 14-20, and 39:

These are computer-based system version of claimed method discussed above (claims 1-7, and 37), wherein all claimed limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claims 21-27, and 40:

These are another computer-based system version of claimed method discussed above (claims 1-7, and 37), wherein all claimed limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claims 28-34, and 41:

Art Unit: 2191

These are machine readable medium version of claimed method discussed above (claims 1-7, and 37), wherein all claimed limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claims 35-36:

These are computer readable storage medium version of claimed method discussed above (claims 1, and 37), wherein all claimed limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Response to Arguments

14. Applicant's arguments with respect to the rejection under 35 U.S.C. 103 (a) to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

15. Examiner maintains the rejection under 35 U.S.C. 101 to claims 14-27 and 39-40 because the claimed invention is directed to non-statutory subject matter as being software per se.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136 (a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2191

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Monday to Friday 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anna Deng/

Examiner, Art Unit 2191

3/30/2008

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191